



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,275	07/11/2003	Ronald Paul Dean	10017961-2	4838

7590 01/09/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)	
	10/618,275	DEAN ET AL.	

Examiner	Art Unit	
Tan Le	3632	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 0/26/05 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

Appellant's item III (A) is not corrected. There are 24 claims pending in this application, not 20 claims.

Appellant's item V (Summary of claimed subject matter) fails to provide a concise explanation of the subject matter defined in each of the independent claims involved in the appeal (note: must identify which claim is which).

Appellant's item VIII (Claims) is incorrect. It must replace by a proper heading "Claims Appendix", not "Claims" or "Appendix A" and provide only a copy of the claims involved in the appeal. All the claims status identifiers must not include. Withdrawn claims 17-20 are not involved in appeal, therefor they must not include under "Claims Appendix".

Appellant's item IX (Evidence) must be replaced by the proper heading "Evidence Appendix".

Appellant's item X (Related Proceedings) must be replaced by the proper heading "Related Proceedings Appendix".

Appellant's Appendix B and Appendix C (pages 22-23) should be removed.

Applicant is respectfully urged to fully comply with the new rules of practice before the Board of Patent Appeals and Interferences effective September 13, 2004 in 1286 OG 21 and 69 Fed. Reg. 49959 (August 12, 2004).

TR


ANITA KING
PRIMARY EXAMINER

U.S. Patent and Trademark Office
PTOL-462 (Rev. 7-05)

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)

Part of Paper No. 12302005